

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Director of Logistics
1206 Ames Center Building

EXTENSION

NO.

DATE

DD/M&S Registry
File Buildings & Grounds

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

DD/M&S

14 NOV 1973

lll-

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DCI

14 NOV 1973

wcc

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1. Attachment 2 is a letter to the DCI from the Administrator, GSA, requesting that a contact officer be designated for liaison with GSA regarding the Public Buildings Amendments. The GSA letter is dated 8 Nov. 1973, two days after the DCI letter requesting Headquarters and Building ☐ exemption was delivered to the Administrator's secretary; nevertheless, it is readily apparent that the GSA letter of 8 November does not take into consideration the Agency position; and that the letters "crossed" administratively.

I believe it politic that we respond rapidly to the GSA letter of 8 November and that our response be over the DCI's signature. Accordingly, Attachment 1 is a proposed letter for the DCI's consideration and signature.

Copy handwritten to GSA

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Honorable Arthur F. Sampson
Administrator
General Services Administration
Washington, D. C. 20405

Dear Mr. Sampson:

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In response to your letter of 8 November 1973, I have designated [] Chief, Real Estate and Construction Division, Office of Logistics, on extension [] as the Agency contact officer for matters pertaining to the application of the Public Buildings Amendments of 1972.

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However, I must call to your attention a letter delivered to your office on 6 November 1973 (a copy is enclosed for your convenience) in which I took exception to the applicability of the Public Buildings Amendments to two of our major facilities; the Headquarters complex at Langley and [] located in the Metropolitan Washington area. I do this because your communication of 8 November would indicate that you have not as yet had the opportunity to review my earlier correspondence and to respond to our position.

STAT
In order that we may conclude our budgetary planning for Fiscal Year 1975, I would, as noted in my previous letter, appreciate your early review of and concurrence in our position that the Public Buildings Amendments do not apply to our Headquarters complex at Langley and []

Sincerely,

W. E. Colby
Director

Enclosure

Honorable Arthur F. Sampson

Page 2

Originating Office: Chief, WDCD/OL:
Distribution:

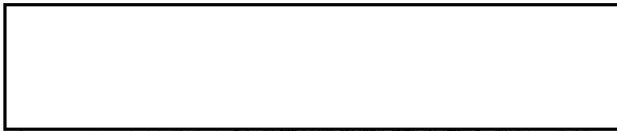
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Orig - Adse

- 1 - ER (w/enc & orig of basic)
- 1 - DDCI (w/enc & cy of basic)
- 1 - Signing Official (w/enc & cy of basic)
- 1 - OGC (w/enc & cy of basic)
- 1 - OLC (w/enc & cy of basic)
- 1 - O/PPB (w/enc & cy of basic)
- ② - DD/M&S (w/enc & cy of basic) Change Subject
- 1 - OL Official (w/enc & cy of basic)

CONCURRENCE:

STAT



HAROLD L. BROTHMAN
Deputy Director
for
Management and Services

14 Nov 73
DLG

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

6 November 1973

The Honorable Arthur Sampson
Administrator
General Services Administration
Washington, D. C. 20405

Dear Mr. Sampson:

This is in regard to applicability of the space user charge provision of Public Buildings Amendments of 1972 (Act), Public Law 92-313, to certain space occupied by the Central Intelligence Agency. For the reasons set out below I do not believe that that provision is to be considered applicable to two facilities utilized by the Agency. I refer here to our Headquarters Building complex, Langley, Virginia, and [redacted] Washington, D. C.

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Under section 4 of the Act, the Administrator is authorized to charge for space and services furnished. However, a consideration of the circumstances under which this Agency acquired its Headquarters space will show that it cannot be characterized as being Administrator-furnished.

Upon enactment of Public Law 161 of the 84th Congress, the Director of Central Intelligence was authorized to provide for a headquarters installation. By way of the Supplemental Appropriation Act of 1956 (P.L. 84-219) and the Supplemental Appropriation Act of 1957 (P.L. 84-814), Congress appropriated the necessary construction monies directly to the Central Intelligence Agency. The legislative history accompanying these statutes shows that this space requirement, together with the dollar amounts required to satisfy it, was fully justified in the hearings conducted by the Armed Services Committees of the House and Senate. The statutes themselves are clear and unequivocal. They show that the Congress conferred construction authority directly upon the

Director of Central Intelligence and appropriated funds necessary to implement that authority directly to the Agency. Since it is clear that the Agency's own appropriation was expended to acquire the Headquarters Building complex, it follows that that space cannot be considered to be Administrator-furnished for purposes of assessing the space user charge.

I understand that the space user charge authorized by section 4 of the Act is intended to implement the performance budgeting concept by requiring agencies to pay for space they occupy rather than obtaining it cost free from GSA. However, because the Agency has already "purchased" its space in the Headquarters Building complex, payment of the user charge now would, in essence, be duplicative of an expenditure already made. Surely, an expenditure of government monies under such circumstances can, in no way, be reconciled with the performance budgeting concept. Simply put, I do not believe it was the intent of Congress that CIA, having "purchased" a building will now be required to pay "rent."

I understand there is a statutory basis for considering special purpose buildings as not subject to the space user charge. Given the unique internal configuration of [] and the specialized activities conducted by that facility in the field of foreign intelligence, it is my opinion that that structure qualifies as a special purpose building.

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[] is used to house the National Photographic Interpretation Center (NPIC) which was established pursuant to a National Security Council directive to provide a service of common concern. This structure, which had been designed as a government warehouse facility, was acquired by the Agency in 1961 on a priority basis to fulfill NPIC's space requirements. In order to meet NPIC's specialized requirements related to photograph development, analysis and dissemination, the building was altered at the cost of some \$12.2 million. These funds were from appropriations available to the Agency. As the result of this expenditure, the structure was essentially reconstructed and transformed into a facility uniquely suited for the processing of photographic intelligence. Of the building's 292,000 net square footage, 202,000 square feet are devoted to accommodating

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specialized equipment, such as a stereo comparator, mechanized light table, specially adapted computers and chemical vats. In these circumstances it would seem quite apparent that that facility should be treated as a special purpose building.

It is also my understanding that you interpret section 4 of the Act to encompass all space over which GSA has space assignment authority under the Federal Property and Administrative Services Act of 1949, as amended, and Reorganization Plan No. 18. As you know, the applicability of the Federal Property Act to this Agency is specifically limited in that it provides: "Nothing (herein) shall impair or affect any authority of . . . the Central Intelligence Agency." (40 U.S.C.A. 474(17).) Given that express limitation, together with the responsibility vested in me by the National Security Act of 1947, as amended, to protect intelligence sources and methods (50 U.S.C.A. 403(d)(3)), I am sure you would agree that I could not, in keeping with my statutory responsibilities, concede to any one space assignment authority over the Headquarters Building complex [REDACTED]

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In regard to Reorganization Plan No. 18, effective 1 July 1950, this could not afford a basis for asserting space authority over the Headquarters Building complex because that facility was not in existence on the date the Plan became effective. Furthermore, as to the Headquarters Building complex, I believe the authorization by Congress to CIA to construct this complex with subsequent appropriations to so construct manifests a clear intent that this complex is not subject to space assignment authority of GSA.

It is for the above reasons that I am persuaded that neither the Headquarters Building complex nor [REDACTED] is subject to the space user charge. Of course, for all costs incurred by GSA in furnishing services incident to the operation, maintenance and protection of those buildings, the Agency will provide for full reimbursement.

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I would appreciate your early concurrence with my position so that we may conclude our budgetary planning for FY 1975.

Sincerely,

~~SECRET~~

W. E. Colby
Director

UNCLASSIFIED	CONFIDENTIAL	SECRET
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EXECUTIVE SECRETARIAT

Routing Slip

DD/M&S Registry
File Bldg + Grounds

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	DDS&T				
4	DDI				
5	DDO				
6	DDM&S	X		11/13	RHW
7	D/DCI/IC				
8	D/ONE				
9	OGC				
10	OLC				
11	IG				
12	D/PPB		X		
13	D/Pers				
14	D/OS				
15	D/Trng				
16	SAVA				
17	ASST/DCI				
18	AO/DCI				
19	OL	✓			
20					
21					
22					
SUSPENSE		Date			

Remarks:

Please provide copy of your response to DCI.

Execut

12 November 1973

Date

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STAT Acting EO-DD/M&S [] King (13 Nov 73)

Distribution:

Orig RS - OL w/O of Att (DD/M&S 73-4404) by hand to [] on 11/13, per RHW, OL will call as deadline was 11/12 and will forward a note of acknowledgment to DCI

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1 - DD/M&S Subj w/Xcy of Att

DD/M&S 73-4404: Ltr dtd 8 Nov 73 to WEC fr GSA Administrator re coordination between Public Bldgs Service, GSA and CIA

Approved For Release 2003/04/29 : CIA-RDP84-00780R005100070005-6

GENERAL SERVICES ADMINISTRATION

WASHINGTON, DC 20405

DD/M&S 73-4404
73-7003



NOV 8 1973

Honorable William E. Colby
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Colby:

As you are aware, the Federal Buildings Fund will become operational July 1, 1974. This Fund was established by the Public Buildings Amendments of 1972, and is the first major innovation in the management of Public Buildings since 1902. We have already provided your agency with data for estimating your space and related service needs for FY 1975.

As a result of the new Fund, your agency will be required to pay for space assigned to it through a user charge equivalent to commercial rent. To implement the Fund program, a first step was taken this year, 1973, when your agency was provided with budget estimates for your space and related services to be included in budget submissions for FY 1975. This year also witnessed the complete remeasurement and reclassification of all space assignments controlled by the Public Buildings Service, General Services Administration. In conjunction with this major effort, a new system of Quality Ratings for each building was implemented. Market surveys are currently being taken to establish the FY 1976 Standard Level User Charge (SLUC) rates, based on the new quality ratings, reclassification and remeasurement systems.

This letter is written to solicit a program of agency coordination between the Public Buildings Service, General Services Administration and your agency.

It is requested that you provide this office with a designated individual to whom we could provide information and direction regarding future policy and procedures under the Federal Buildings Fund.

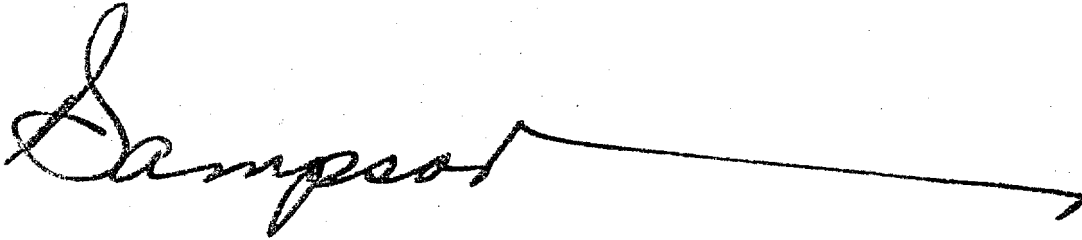
It is further planned to have our Regional Commissioners contact agencies serviced by the Public Buildings Service to establish a similar point of contact for matters relating to the Federal Buildings Fund at the local level.

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By establishing this interagency coordination program, we would hope to increase agency awareness and participation in making the Federal Buildings Fund a working reality for providing to all agencies that level of space and services to which they all are entitled.

Please provide the name of this individual as soon as possible, or not later than November 12, 1973. It is planned to hold a half-day conference here in Washington, with these representatives during the month of December.

Sincerely,

A handwritten signature in cursive script, reading "Sampson", followed by a long horizontal line extending to the right.

Arthur F. Sampson
Administrator